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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 28

Serial Number: 08/120303
Filing Date: September 13, 1993
Appellant(s): Jacobs et al.

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GROUP 1800

Joseph Shirtz
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to appellant's reply brief on appeal filed 05/08/95.

(11) Response to argument.

Appellant argues in the above-noted reply brief that each of the references cited in the new grounds of rejection, set forth in the Examiner's Answer, fails to include a means for connecting the vessel opening to a lumen.

It is noted that each of the containers taught in Al-Sioufi, Fisher Scientific and Engel, as described in the grounds of rejection, includes a single vessel opening. The originally filed specification teaches at page 3 thereof that "[i]n its simplest form, the means of connecting the vessel to the end of the instrument tube may comprise something as simple as a piece

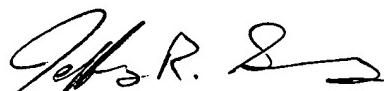
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of firm but flexible tubing, such as tygon tubing of appropriate diameter such that one end of the tubing may be inserted in or disposed about the opening of the vessel, and the end inserted or disposed about the lumen of the instrument so as to be securely join the two." It is further noted that the described tubing would itself constitute a lumen. As such, the originally filed specification teaches the opening of mouth of the vessel as constituting an appropriate means for connecting to a lumen.

For the above reasons, supplemental to those set forth in the Examiner's Answer, it is believed that the rejections should be sustained.

Respectfully submitted,


JEFFREY R. SMAY
PRIMARY EXAMINER
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jrs

8/21/95

August 21, 1995